IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 747 OF 2006
IN
ARBITRATION PETITION NO. 324 OF 2006

Mr.Shyam Chimandas Khilnani .. Appellant.

V/s.

1. M/s. Radha Enterprises & Anr. .. Respondents.

Mr. Bhavesh Parmar for the Appellant.

Mr.Snehal Shah i/by Mr.Viraj Mawar for Respondent No.1.

Mr.Pratik Sakseria i/by Mr.Nirif Srivastava for the Respondent No.2.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 17TH OCTOBER, 2006.

P.C.:

. After having heard the counsel for the parties and in view of the fact that the Appellant has already made an application on 26th September, 2006 for appointment of an arbitrator under section 11 of the Arbitration and Conciliation Act, 1996, we are satisfied that the impugned order deserves to be set aside and the petition made by the Appellant under section 9 of the said Act of 1996 needs to be heard afresh.

2. We, accordingly, set aside the order dated 20th

September, 2006. Arbitration Petition No. 324 of 2006 is restored to file. Upon restoration of the Arbitration Petition, ad- interim order stands revived.

3. The Respondents shall be entitled to oppose the said petition on all available grounds. The learned single Judge shall hear and dispose of the Arbitration Petition afresh expeditiously and if it is not possible to do so, we request the learned single Judge to hear the parties on ad-interim relief and pass an appropriate order.

4. We record the statement of the counsel for the Respondent No.1 that from the date of dismissal of the Arbitration Petition until today, the Respondent No.1 has entered into agreements and also proceeded with the development since the order of status-quo was not operative during this period.

5. In the circumstances, we direct that the status-quo as obtaining today, shall be maintained henceforth.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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